

Formal Council Meeting Agenda



**Tempe City Council
Formal Council Meeting
Harry E. Mitchell Government Center
Tempe City Hall - City Council Chambers
31 East Fifth Street, Tempe, Arizona
Thursday, February 21, 2013
7:30 PM**

Members of the City Council may attend either in person or by telephone conference call.

1. **INVOCATION - Councilmember Ellis**
2. **PLEDGE OF ALLEGIANCE**
3. **MINUTES - Councilmember Granville**
 - A. Approval of Council Meeting and Council Committee Meeting Minutes
 1. [Formal Council Meeting - February 7, 2013](#)
 2. Executive Session - January 31, 2013 and February 7, 2013
 3. [Special Calendar Meeting - February 7, 2013](#)
 - B. Acceptance of Committee, Board & Commission Meeting Minutes
 1. [Aviation Commission - January 8, 2013](#)
 2. [Commission on Disability Concerns - December 6, 2012 and January 3, 2013](#)
 3. [Enhanced Services Commission - January 9, 2013](#)
 4. [Hearing Officer - January 15, 2013](#)
 5. [Historical Museum Advisory Board - September 6, 2012](#)
 6. [Human Relations Commission - January 8, 2013](#)
 7. [Mayor's Youth Advisory Commission - January 15, 2013](#)
 8. [Neighborhood Advisory Commission - September 5, 2012](#)
 9. [Tardeada Advisory Board - September 12, 2012 and June 13, 2012](#)
 10. [Tempe Fire Public Safety Personnel Retirement System Board - January 8, 2013](#)
 11. [Transportation Commission - December 11, 2012, January 8, 2013 and January 15, 2013](#)
4. **REPORTS AND ANNOUNCEMENTS**
 - A. Mayor's Announcements
 1. **Earl Dennis III Heroism Recognition**
 - B. Manager's Announcements

5. AGENDA

All items listed on the agenda will be considered as a group and will be enacted with one motion by the City Council unless an item is removed for separate consideration. Members of the public may remove public hearing items for separate consideration. Public hearing items are designated by an asterisk (*). Councilmembers may remove any item for separate consideration.

Agenda items scheduled for Introduction/First Public Hearing will be heard, but will not be voted upon at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon tonight.

'q-j' indicates quasi-judicial items. The City Council sits as a quasi-judicial body when hearing variances. In this situation, the City Council must conduct itself as a court, not as a legislative body. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited. Any materials or conversations concerning the item shall only be presented to the City Council at the scheduled public hearing.

Legal Advice: If necessary, the City Council may vote to adjourn to executive session for the purpose of obtaining legal advice from the Council's attorney on any matter listed on the agenda pursuant to A.R.S §38-431.03(A)(3).

A. Miscellaneous Items

- A1. [Approve January 2013 Report of Claims Paid to be filed for audit.](#)

Fiscal Impact: Total payments in January: \$17,154,752.62

- *A2. [Hold a public hearing to recommend the approval of an acquisition of control and agent change of a Series 12 restaurant liquor license for Thomas and King, Inc., dba Applebee's Neighborhood Grill & Bar, 1655 West Elliot Road.](#)

Fiscal Impact: N/A

- *A3. [Hold a public hearing to recommend the approval of an acquisition of control and agent change of a Series 12 restaurant liquor license for Thomas and King, Inc., dba Applebee's Neighborhood Grill & Bar, 909 East Broadway Road.](#)

Fiscal Impact: N/A

- *A4. [Hold a public hearing to recommend the approval of a Series 12 restaurant liquor license for Vino Pinot Dining, LLC, dba Salut Kitchen Bar, 1435 East University Drive, #C111/112.](#)

Fiscal Impact: N/A

- *A5. [Hold a public hearing to recommend the approval of a Series 06 bar liquor license for GWE Tempe LLC, dba Gameworks, 5000 South Arizona Mills Circle, #669.](#)

Fiscal Impact: N/A

- *A6. [Hold a public hearing to recommend the approval of a Series 03 domestic microbrewery liquor license for Huss Brewing Company, LLC, dba Huss Brewing Company, 1520 West Mineral Road, #102.](#)

Fiscal Impact: N/A

- *A7. [Hold a public hearing to recommend the approval of a Series 07 beer and wine bar liquor license for Huss Brewing Company, LLC, dba Huss Brewing Company, 1520 West Mineral Road, #102.](#)

Fiscal Impact: N/A

- *A8. [Hold a public hearing to recommend the approval of a Series 06 bar liquor license for Firehouse Entertainment LLC, dba Firehouse, 4 East University Drive.](#)

Fiscal Impact: N/A

- *A9. [Hold a public hearing to recommend the denial of a Series 12 restaurant liquor license for Tempe Bostons Pizza LLC, dba Bostons The Gourmet Pizza, 400 West University Drive.](#)

Fiscal Impact: N/A

B. Award of Bids/Contracts

- B1. [Award a two-year contract with three, one-year renewal options to Dave Bang Associates, Inc. for the purchase and installation of picnic tables, park benches, trash receptacles, drinking fountains, grills and basketball system components which will be used in various City parks for the Community Services Department.](#)

Fiscal Impact: Total cost of this two-year contract will not exceed \$500,000. Sufficient funds have been appropriated in cost center 6399829 (Park Infrastructure/Equipment Replacement); 6305499 (Park Playground Replacement); and 6808A (Kiwanis Park Playground Renovation) for the anticipated expenditures in the current fiscal year.

C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action - None.

D. Ordinances and Items for Second Hearing/Final Adoption

- *D1. [Hold the second and final public hearing to adopt a resolution for a General Plan amendment to increase density, an Ordinance for a Zoning Map amendment to R-3 Multi-family with a Planned Area Development \(PAD\) for development standards for 18 new attached townhomes for BELLA VITA, located at 1004 N Miller Rd. The applicant is Hudd Hassel. \(Ordinance No. 2013.12 and Resolution No. 2013.14\)](#)

Fiscal Impact: While this ordinance change does not directly impact revenue, the development will result in collection of the standard development fees, calculated according to the approved fee structure at the time of permit issuance.

- *D2. [Hold the second and final public hearing to adopt an ordinance abandoning a portion of an existing Waterline Easement as shown on the plat of Elliot Business Park 5, located at 7825 and 7929 South Hardy Drive. \(Ordinance No. 2013.13\)](#)

Fiscal Impact: N/A

- *D3. [Hold the second and final public hearing to amend Chapter 2, Article III of the Tempe City Code, relating to the Human Resources Department by amending Section 2-139. \(Ordinance No. 2013.14\)](#)

Fiscal Impact: There is no direct cost to the City with the Code amendment.

- *D4. [Hold the second and final public hearing to amend Chapter 24, Article V, of the Tempe City Code relating to Aggressive Solicitation by amending sections 24-115 and 24-116. \(Ordinance No. 2013.15\)](#)

Fiscal Impact: N/A

E. Resolutions

- E1. [Adopt a resolution authorizing the Mayor to execute the Intergovernmental Agreement between the City of Tempe and the Maricopa County Department of Emergency Management for the purposes of preparing for and responding to disasters. \(Resolution No. 2013.17\)](#)

Fiscal Impact: The City's cost of staff time and other operating expenses for participating in the Agreement is appropriated in the Fire Department's General Fund operating budget. No additional appropriation is required in the Agreement.

- E2. [Adopt a resolution to enter into an amended agreement between the State of Arizona, Department of Corrections and the Tempe Police Department for and on behalf of its Correctional Officer Training Academy. \(Resolution No. 2013.18\)](#)

Fiscal Impact: In the event that the City utilizes the Correctional Officer Training Academy training, sufficient funds are currently appropriated in the Police Department's general fund operating budget (cost center 2231).

- *E3. [Introduce and hold a first public hearing to receive public comment on, and adopt a resolution authorizing the Community Development Block Grant and HOME Program Action Plan for Fiscal Year 2013-2014 The second and final public hearing is scheduled for April 18, 2013. \(Resolution No. 2013.19\)](#)

Fiscal Impact: Funding for the activities proposed in the Action Plan is federal. There is no fiscal impact on City funds.

- E4. [Adopt a resolution approving modifications to the insurance standards for use of City right-of-way applicable to encroachment permits and other private uses of public rights-of-way. \(Resolution No. 2013.20\)](#)

Fiscal Impact: None.

- E5. [Adopt a resolution authorizing the Mayor to execute a Lease, Memorandum of Lease and related documents between the City of Tempe and the owner of the land and improvements to be constructed at 260 East Rio Salado Parkway as part of the Lofts at Hayden Ferry Lakeside Development. \(Resolution No. 2013.21\)](#)

Fiscal Impact: The Lease would provide for an 8 year Government Property Lease (including an 8 year abatement of the Government Property Lease Excise Tax) per the Development Agreement for Hayden Ferry Lakeside (c2000-63).

- E6. [Adopt a resolution supporting the Governor's Fiscal Year 2014 budget recommendation for Arizona State University at the Tempe Campus. \(Resolution No. 2013.22\)](#)

Fiscal Impact: N/A

6. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

7. PUBLIC APPEARANCES

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on this agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on this agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes are not allowed.

Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.

A. Scheduled

B. Unscheduled

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-2905 (voice) or (480) 350-2750 (TDD) to request an accommodation to participate in the City Council meeting.

Agendas are also available at www.tempe.gov/clerk
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Video replay of this meeting is available the next day at www.tempe.gov/tempe11.